



United States Attorney
Southern District of New York

FOR IMMEDIATE RELEASE
JANUARY 18, 2008

CONTACT: U.S. ATTORNEY'S OFFICE
YUSILL SCRIBNER,
REBEKAH CARMICHAEL
PUBLIC INFORMATION OFFICE
(212) 637-2600

**UNITED STATES AND NEW YORK STATE SETTLE CIVIL RIGHTS
LAWSUIT, ALLEGING RELIGIOUS DISCRIMINATION, AGAINST
NEW YORK STATE CORRECTIONS DEPARTMENT**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced today that the United States has settled a civil rights lawsuit against the New York State Department of Correctional Services ("DOCS"), the agency responsible for operating the state's prisons. The lawsuit, which was filed in Manhattan federal court in March 2007, alleged that DOCS unlawfully discriminated on the basis of religion by refusing to accommodate its employees' religious practices and observances, in particular by refusing to permit correction officers to wear religiously required head coverings. Under the settlement to which DOCS has agreed, the agency will provide case-by-case consideration of requests for religious exemptions from DOCS's uniform and grooming requirements, and specifically will permit its employees to wear conservative kufis or yarmulkes as long as an undue hardship to DOCS would not result. The settlement agreement was signed today by United States District Judge DENNY CHIN. According to the Complaint filed in Manhattan federal court:

DOCS employs more than 31,000 persons, approximately 21,000 of whom are uniformed security personnel, including correction officers. At the time the Complaint was filed, DOCS's uniform and personal grooming standards did not recognize any exceptions based on religious practice, and DOCS enforced a policy of refusing to grant any religious accommodation to uniformed security personnel that would depart from those standards, even when the requested accommodation would not pose an undue hardship for DOCS.

As an example, ABDUS SAMAD HAQQ, a correction officer

at a work-release prison in Manhattan, wore a kufi (a Muslim skullcap) for years while performing his job duties, without incident, and has said that wearing a kufi is, for him, a requirement of his religious devotion and his practice of Islam. In 2005, Mr. HAQQ was ordered to stop wearing the kufi, on the ground that it was prohibited by DOCS's policy regarding uniforms. Mr. HAQQ settled a separate lawsuit against DOCS in May 2007, and now may wear his kufi while in uniform.

The Government filed its lawsuit under Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of religion and requires employers to reasonably accommodate the religious practices and observances of their employees. Under the terms of the settlement, DOCS agreed to adhere to a policy it adopted shortly after the Government's lawsuit was filed. That policy requires DOCS to follow a procedure by which uniformed employees may request accommodations from the uniform and grooming requirements because of their religious practices and beliefs, and DOCS must provide an individualized assessment of each such request. Moreover, unless an undue hardship would result, DOCS may not deny an employee's request for accommodation solely because the accommodation would allow the employee's religion to be identified, and must also permit an employee to wear a solid-colored, dark blue or black, close-fitting kufi or yarmulke.

Mr. GARCIA stated: "Federal law prohibits workplace discrimination on the basis of religion, and requires reasonable accommodation of employees' religious practices. We are pleased that DOCS has agreed to give fair consideration to its uniformed officers' requests for such accommodations."

Assistant United States Attorney BENJAMIN H. TORRANCE is in charge of this case.

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